
COUNTY OF LOUDOUN

DEPARTMENT OF BUILDING AND DEVELOPMENT

MEMORANDUM

DATE: June 7, 2007

TO: Loudoun County Planning Commission

FROM: Melinda Artman, Zoning Administrator
Marilee Seigfried, Deputy Zoning Administrator *mer*
Amy Lohr, Planner, Zoning Administration *al*.

SUBJECT: June 11, 2007, Planning Commission Work Session
ZOAM 2006-0003, Annual Review & ZOAM 2007-0001, Water Lines in Very Steep Slopes

For the Annual Review work session on June 11, 2007, please bring the May 21, 2007 Planning Commission Public Hearing staff report. Additionally, the following attachments are provided for use at the work session on June 11, 2007:

1. **Attachment 1:** Summary of Public Input for the May 21, 2007 Planning Commission Public Hearing (Verbal and Written)
2. **Attachment 2:** Summary of Outstanding Issues Identified in the May 21, 2007 Planning Commission public hearing staff report
3. **Attachment 3:** Map depicting very steep slopes in River Creek (impacting approximately 307 parcels out of 1144 parcels)
4. **Attachment 4:** Revised definition for Farm Market
5. **Attachment 5:** Issues to be revisited at the Planning Commission's request

If you have any questions, you may contact Amy Lohr at 703-737-8890 or via e-mail at Amy.Lohr@loudoun.gov.

ZOAM 2006-0003/ZOAM 2007-0001, Public Speaker Log: May 21, 2007
Verbal Comment

Speaker #	Name	Organization	Comment	Relevant Z.O. Section
1	Joe Paciulli		Does not support edits made to ZORC draft, the edits revert wording back to subjective, unclear wording. One example is the section which prohibits parking from being visible. This is impossible to design to or administer, which is why ZORC removed the wording. ZORC's changes deserve full discussion at the BOS. For legal advertising, also send ZORC recommendations forward as a distinct item for consideration in its entirety.	
2	Ted Lewis	EDC Member, Chair of EDC's Transportation and Infrastructure Committee	On behalf of EDC, approve original ZORC recommendations with no changes or modifications. EDC supports building height increase to 45 feet, PD-OP FAR increase, and decreasing parking for restaurant uses. EDC does not support PC changes to keep office a special exception in PD-IP or to provide only partial density credit for area in floodplain.	4-306(B) 4-306(C) 5-1101 4-504(A) 4-1511
3	Steve Robin	Wildwood Farms, LLC	Represents property owner with land zoned TR-10. Request for another development option, to develop at a conventional one unit per 10 acre format. ZORC recommended that TR-10 allow this option and they support the ZORC changes.	5-701(C)(3)
4	Edward Gorski	Land Use Officer, Piedmont Environmental Council (PEC)	PEC does not support ZORC recommendations. In particular, there is no amendment to the FSM to provide for floodplain alterations in the FSM instead of the Zoning Ordinance. Also, use of residential streets to access commercial centers is not supported. PD-OP FAR increase and elimination of site planning requirements. Potential for larger home occupation uses. Various R-district changes. Submit that these changes do not meet 15.2-2283 of the Code of Virginia, no analysis of transportation and fiscal impacts. Reject ZORC changes and reinstitute annual review process.	4-1508 4-206(D) 4-306(C) 4-307(E) 5-400(C) Article 3

A

27

Speaker #	Name	Organization	Comment	Relevant Z.O. Section
5	Leslie Lowry		Supports amendment change to farm market definition. Also add that the products sold may be produced on site or other property owned or leased by the operator.	Article 8
6	Ted Gonter		River Creek Homeowner supporting the addition of Section 6-1613 for instances when a good faith error has occurred in steep slopes. Identify a point of contact for HOAs in regard to the Z.O.	6-1613
7	Charles Turner	Buchanan Partners	Support for original ZORC recommendation to allow office as a by-right use in PD-IP. Loudoun Tech Center (PD-IP) and Dulles Trade Center I (PD-GI) are excellent examples of incorporating office into a PD-IP or flex environment.	4-504(A)
8	Benjamin Leigh	Atwill, Troxell & Leigh, PC	Support for text amendment to allow indoor recreation in the AR and A-3 districts. Take out the 0.04 FAR limitation.	2-403, 2-102, 2-202, 5-661
9	Michael Capretti	President, Loudoun Chapter of the Northern Virginia Building Industry Association (NVBIA)	Not sure of the logic of adding a maximum to the buffer yard widths, feel the minimum is sufficient. Offer density credit for residential uses in FOD. Water and sewer lines should be allowed in steep slopes. For legal advertising, also send ZORC recommendations forward as a distinct item for consideration in its entirety. Make ZORC a standing committee that comes back on an annual basis.	5-1414(B) 4-1511 5-1508
10	Lou Canonico		Annual review process lasted only 3 years, suspended in 1997. ZORC recommendations make the Z.O. easier to use and clean up technical glitches. Request that the Planning Commission send forth the ZORC recommendations and their own recommendations to this Board of Supervisors.	
11	Kerry Norberg		Support for two ZORC recommendations. Support density credit for floodplain for all uses and in all districts. Support for water and sewer lines in steep slopes. Move forward ZORC recommendations as proposed by ZORC.	4-1511 5-1508
12	Albert Gravallese	Chair, River Creek Architectural Control Covenants Committee	There needs to be additional language in steep slope standards to build in steep slopes for safety concerns.	5-1508 6-1613

A3

Speaker #	Name	Organization	Comment	Relevant Z.O. Section
13	Thomas Moran		River Creek Homeowner. Consider exceptions to steep slopes regulations for safety reasons.	6-1613
14	Jerome Haynesworth		River Creek Homeowner. Supports corrections to steep slopes within River Creek to avoid liability and make conditions safer.	6-1613
15	Frank Ferguson	Wildwood Farms, LLC	Supports original ZORC recommendation to allow both grid and cluster development in the TR-10 zone. Request that ZORC recommendation be forwarded to Board or taken up in Committee by the Planning Commission.	5-701(C)(3)
16	Stewart Curley	President, River Creek HOA	River Creek HOA supports the addition of Section 6-1613. Many homes have been built on steep slopes and it is a challenge for new residents, who feel they should be able to make adjustments to their property as well.	6-1613
17	Eric Wells	Chairman, Northern Virginia Chapter of National Association of Industrial and Office Properties (NAIOP)	NAIOP supports the ZORC draft. Ask that the PC reconsider their revisions and reinstate the ZORC language in the following areas: office by right in PD-IP, adjustments to the FOD, retail sales in PD-IP warehouse uses, move technical floodplain language to the FSM and density credit for commercial uses in the major floodplain.	4-504(A) 4-1504 4-507(E) 4-1505/4-1508 4-1511
18	Mark Hassinger	President, West Dulles Properties	Support comments made by EDC and NAIOP. Request change to Section 4-1002(B) to reduce the initial acreage required to establish a PD-TREC district from 40 acres to 25 acres.	4-1002(B)
19	Sally Mann		Thoroughbred breeding facilities light their barns and paddocks. They have very large barns that are lit 16 hours a day at some times of the year. Sixty feet (60) from the property line is not sufficient for all stables and 175 feet is not enough for the large scale structures.	5-626, 5-630

44

Speaker #	Name	Organization	Comment	Relevant Z.O. Section
20	Gem Bingol	Land Use Officer, Piedmont Environmental Council (PEC)	Does not support many changes and there is a huge problem with the process. The County needs to make the public aware of the impact of the proposed changes. The following may not be beneficial to the community: increased lot coverage in various districts and deletion of limits to maximum impervious surface, eliminating the restriction against direct access to major roads for shopping centers, allowing more by-right uses in steep slopes, visibility of parking from roads in office parks; changes to FOD that eliminate guidelines or allow for credit in the density calculation equate to more density and less protection.	Article 3 4-104(D) 4-206(E) 5-1508 4-305(B) 4-1505 4-1508 4-1511
21	Bob Gordon	ZORC Chairman	Retain the format of the ZORC recommendations in one document and PC recommendations in a second document as presented to the PC for the public hearing. This format works well and could go forward to the Board that way to allow for an easy comparison. Office by-right in PD-IP is advocated by Economic Development. Urge the Commission to have staff evaluate the amount of office by special exception that is not built. Too difficult to do a boundary line adjustment, revisions needed.	4-504(A) 1-404(C)
22	Jeff Nein		Agree with prior speakers who support office by-right in PD-IP. Support addition of entry stairs to list of permitted structures in required yards. Support indoor recreation in PD-IP and suggest that sports stadiums be added as a special exception use. For hotels, suggest the definition be expanded to allow non-transient dwellings to be associated with resort hotels and their amenity packages when they are linked together.	4-504(A) 5-200(A) 4-503 Article 8

ZOAM 2006-0003/ZOAM 2007-0001, Written Comment submitted for May 21, 2007 Public Hearing

A5

#	Name	Organization	Comment	Relevant Z.O. Section
1	Leslie Lowry		For the farm market definition, add that the products sold may be produced on other property leased by the operator, in addition to property owned by the operator.	Article 8
2	Kimberly and Brian Rupp	Forest Grove Stables	Support the 60-foot setback for Agriculture buildings that house livestock.	5-626
3	Kevin Wood	Director of Engineering, Loudoun County Sanitation Authority (LCSA)	Statement from LCSA: LCSA thanks the Planning Commission and County staff for their time and effort pertaining to amendments to the Zoning Ordinance that would permit water and sewer extensions within very steep slopes provided they meet defined Development Standards. LCSA is satisfied with the Development Standards for water and sewer extensions within Very Steep Slopes (VSS) that were presented at the April 30th, 2007 Planning Commission Work Session and are displayed in the "Addendum to the ZORC Redline Draft" dated May 9, 2007 within tonight's Staff Report. LCSA further supports the Planning Commission forwarding these Development Standards as an amendment Section 5-1508 of the Revised 1993 Loudoun County Zoning Ordinance to the BOS with a recommendation of approval.	5-1508
4	David Culbert	Culbert & Schmitt, PLLC	Recommends that the County allow for modifications to standards found in the steep slope ordinance by means of a special exception application process.	5-1508

**Summary of Outstanding Issues Identified in the May 21, 2007 Planning
Commission public hearing staff report**

1. Section 1-404(C), Boundary Line Adjustments:

The Planning Commission directed staff to develop new text expanding the scope of boundary line adjustments for nonconforming lots. Staff added language allowing for boundary line adjustments to correct survey inconsistencies. In addition, in the AR-1 and AR-2 zoning districts, boundary line adjustments may correct instances where existing structures, fences, private driveways and the like are located on an adjacent lot, rather than the lot they are intended to serve, provided the resulting lot area is not less than 80,000 square feet.

Existing Text

- (C) **Boundary Line Adjustments.** Notwithstanding the provisions of paragraph (B) above, boundary line adjustments may be permitted between nonconforming lots, or between a conforming and a nonconforming lot, provided the Zoning Administrator finds that the degree of nonconformity for any lot resulting from such boundary line adjustment is not increased due to such adjustment. In addition, the Zoning Administrator shall find that a boundary line adjustment does not increase nonconformity and is permitted where the number of residential units allowable on each affected lot with the boundary line adjustment is no greater than the number without the boundary line adjustment, and the boundary line adjustment satisfies one of the following conditions: (1) it makes it possible to rectify a septic system or well failure by providing space for a replacement septic system or well that meets all applicable standards; (2) it incorporates acreage into a lot that is subject to a permanent conservation easement, with the new acreage added to the protected easement area; or (3) it allows any existing nonconforming lot to meet the twenty acre minimum lot size in the AR-1 zoning district or the fifty acre minimum lot size in the AR-2 zoning district.

Proposed ZORC Text

- (C) **Boundary Line Adjustments.** Notwithstanding the provisions of paragraph (B) above, boundary line adjustments may be permitted between nonconforming lots, or between a conforming and a nonconforming lot, ~~provided the Zoning Administrator finds that the degree of nonconformity for any lot resulting from such boundary line adjustment is not increased due to such adjustment.~~ provided that the resulting lot(s) meets the minimum lot area in effect at the time that the lot was created. ~~In addition, the Zoning Administrator shall find that a boundary line adjustment does not increase nonconformity and is permitted where the number of residential units allowable on each affected lot with the boundary line adjustment is no greater than the number without the boundary line adjustment, and the boundary line adjustment satisfies one of the following conditions: (1) it makes it possible to rectify a septic system or well failure by providing space for a~~

~~replacement septic system or well that meets all applicable standards; (2) it incorporates acreage into a lot that is subject to a permanent conservation easement, with the new acreage added to the protected easement area; or (3) it allows any existing nonconforming lot to meet the twenty acre minimum lot size in the AR-1 zoning district or the fifty acre minimum lot size in the AR-2 zoning district.~~

Proposed Staff Text

- (C) **Boundary Line Adjustments.** Notwithstanding the provisions of paragraph (B) above, boundary line adjustments may be permitted between nonconforming lots, or between a conforming and a nonconforming lot, provided the Zoning Administrator finds that the degree of nonconformity for any lot resulting from such boundary line adjustment is not increased due to such adjustment. In addition, the Zoning Administrator shall find that a boundary line adjustment does not increase nonconformity and is permitted where ~~the number of residential units allowable on each affected lot with the boundary line adjustment is no greater than the number without the boundary line adjustment, and~~ the boundary line adjustment satisfies one of the following conditions: (1) it makes it possible to rectify a septic system or well failure by providing space for a replacement septic system or well that meets all applicable standards; (2) it incorporates acreage into a lot that is subject to a permanent conservation easement, with the new acreage added to the protected easement area; ~~or~~ (3) it allows any existing nonconforming lot to meet the twenty acre minimum lot size in the AR-1 zoning district or the ~~fifty~~ forty acre minimum lot size in the AR-2 zoning district; (4) it allows for boundary line agreements to correct survey inconsistencies; or (5) in the AR-1 and AR-2 zoning districts, make it possible to correct situations where existing structures, fences, private driveways and the like, are located on the adjacent lot to which such structures, fences, private driveways and the like are intended to serve. In these cases no lot shall be decreased to less than 80,000 square feet when such lots are served by individual well and septic systems.

2. Changes to Article 3, R-districts:

In the R-districts, ZORC's changes include increased lot coverage, increased building heights, increased length to width ratio and decreased rear yards. Staff originally commented that the cumulative impact of these changes results in a more urban, rather than suburban development pattern. The Planning Commission directed Staff to provide a more detailed description of the changes. As the Planning Commission recommended no decrease to rear yards and no increase to lot coverage in R-8 and R-16, the cumulative impact is reduced.

R-1: Length/width ratio increases from 3:1 to 5:1 maximum; Lot coverage increases of 5% and 10%; Building height increase from 35 feet to 40 feet maximum for single family detached.

R-2: Length/width ratio increases from 3:1 and 4:1 to 5:1; Building height

increase from 35 feet to 40 feet maximum for single family detached.

R-3: Length/width ratio increases from 3:1 and 4:1 to 5:1; Building height increase from 35 feet to 40 feet maximum for single family detached.

R-4: Length/width ratio increases from 3:1 and 4:1 to 5:1; Building height increase from 35 feet to 40 feet maximum for single family detached.

R-8: Length/width ratio increases from 4:1 to 5:1; Building height increase from 35 feet to 40 feet for single family detached and to 45 feet for single family attached.

R-16: Building height increase from 35 feet to 45 feet for single family attached and multifamily; 55-foot building height maximum for multifamily with additional setback.

R-24: Building height increase from 35 feet to 45 feet for multifamily; 60-foot building height maximum for multifamily with additional setback.

3. Section 4-501, Purpose:

The Planning Commission recommended that office remain a special exception use in the PD-IP zoning district. Therefore, staff recommends that “office uses” be deleted from the purpose of the district.

Existing Text

4-501 Purpose. The district is established for light and medium industrial uses, and necessary supporting accessory uses and facilities, designed with a park-like atmosphere to complement surrounding land uses by means of appropriate siting of buildings and service areas, attractive architecture, and effective landscape buffering.

Proposed ZORC Text

4-501 Purpose. The district is established for light and medium industrial uses, office uses, and necessary supporting accessory uses and facilities, designed with a park-like atmosphere to complement surrounding land uses by means of appropriate siting of buildings and service areas, attractive architecture, and effective landscape buffering.

4. Section 4-1511, Density Calculations:

The Planning Commission directed staff to provide text that would give density credit for major floodplain in nonresidential development. Staff added a new section to the deal with nonresidential density calculation, which provides that up to 25% of the total land area encumbered with major floodplain may be included when calculating permitted floor area for a parcel, as opposed to counting all floodplain areas per the ZORC recommendation.

Existing Text

4-1511 Density Calculations. For purposes of calculating the permitted floor area and number of residential units in the underlying zoning district, the land area in any portion of the Floodplain Overlay District shall be treated as follows:

- (A) Any portion of the Floodplain Overlay District in a watershed of a stream draining less than 640 acres shall be included as part of the land area for such calculations.
- (B) Except to the extent permitted in approved County Flood Plain Studies, any portion of the regulatory floodplain within the Floodplain Overlay District in a watershed of 640 or more acres shall be excluded as part of the land area for such calculations.

Proposed ZORC Text

4-1511 Density Calculations. For purposes of calculating the permitted floor area and number of residential units or lots in the underlying zoning district, the land area in any portion of the Floodplain Overlay District shall be included as part of the land area for such calculations. ~~treated as follows:~~

- ~~(A) Any portion of the Floodplain Overlay District in a watershed of a stream draining less than 640 acres shall be included as part of the land area for such calculations.~~
- ~~(B) Except to the extent permitted in approved County Flood Plain Studies, any portion of the regulatory floodplain within the Floodplain Overlay District in a watershed of 640 or more acres shall be excluded as part of the land area for such calculations.~~

Proposed Staff Text

4-1511 Density Calculations—Residential. For purposes of calculating the permitted ~~floor area and~~ number of residential units in the underlying zoning district, the land area in any portion of the Floodplain Overlay District shall be treated as follows:

- (A) Any portion of the Floodplain Overlay District in a watershed of a stream draining less than 640 acres shall be included as part of the land area for such calculations.
- (B) Except to the extent permitted in approved County Flood Plain Studies, any portion of the regulatory floodplain within the Floodplain Overlay District in a watershed of 640 or more acres shall be excluded as part of the land area for such calculations.

4-1512 Density Calculations—Nonresidential. For purposes of calculating the permitted floor area in the underlying zoning district, the land area in any portion of the Floodplain Overlay District shall be treated as follows:

- (A) Any portion of the Floodplain Overlay District in a watershed of a stream draining less than 640 acres shall be included as part of the land area for such calculations.
- (B) Except to the extent permitted in approved County Flood Plain Studies, up to 25% of the total land area within the Floodplain Overlay District in a watershed of 640 or more acres may be included as part of the land area for such calculations.

5. Section 5-1504, Light and Glare:

At the April 30, 2007 Planning Commission work session, the following language was developed.

- (A) **General Requirements.** All sources of glare (direct or reflected artificial light) from any source (other than in connection with operating motor vehicles and/or street lighting) must not cause illumination in excess of 0.25 foot candles above background light levels measured at the boundary of any commercial or industrial use abutting any residential use or at the lot line with any residential district, or, in residential or agricultural districts, at the lot line of any adjacent lot. In addition, in the A-3, A-10, AR-1, AR-2, and CR districts, lights shall be shielded so that the direct glare of the bulb is not visible beyond the property line of the parcel.
Notwithstanding, lighting at publicly owned or administered facilities utilized for athletic competition must not cause illumination in excess of 0.50 foot candles above background light levels.

Since that time, staff has had the opportunity to review the standards in Fairfax County. A brief summary is as follows:

- Specific lighting standards for outdoor recreation/sports facilities
- Applies to illuminated playing fields/courts that exceed 10,000 s.f. in area, and/or associated light poles that exceed 20 feet in height
- Footcandles based on use:
 - Baseball/Softball: Infield: 60; Outfield: 40
 - Field hockey, football, soccer, lacrosse, track & field: 50

6. Section 5-1414(B), Buffer Yard:

The Planning Commission directed staff to develop minimum and maximum buffer yard widths to accompany the standards proposed by ZORC.

Proposed ZORC Text with minimum/maximum buffer yard widths proposed by Staff

Table 5-1414(B)					
Required Plantings per 100 Lineal Feet of Property Line					
Buffer Yard Type	Canopy Trees	Understory Trees	Shrubs	Evergreen Trees	Other Requirements
(1) Type 1					
<u>Front</u>	<u>2</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>10' minimum width</u> <u>25' maximum width</u>
<u>Side/Rear</u>	<u>1</u>	<u>4</u>	<u>0</u>	<u>0</u>	<u>10' minimum width</u> <u>25' maximum width</u>
(2) Type 2					
<u>Front</u>	<u>3</u>	<u>2</u>	<u>10</u>	<u>0</u>	<u>15' minimum width</u> <u>25' maximum width</u>
<u>Side/Rear</u>	<u>2</u>	<u>4</u>	<u>10</u>	<u>2</u>	<u>20' minimum width</u> <u>30' maximum width</u>
(3) Type 3					
<u>Front</u>	<u>3</u>	<u>3</u>	<u>20</u>	<u>0</u>	<u>20' minimum width</u> <u>30' maximum width</u>
<u>Side/Rear</u>	<u>2</u>	<u>5</u>	<u>10</u>	<u>4</u>	<u>25' minimum width</u> <u>30' maximum width</u>
(4) Type 4					
<u>Front</u>	<u>4</u>	<u>3</u>	<u>20</u>	<u>0</u>	<u>20' minimum width</u> <u>30' maximum width</u>
<u>Side/Rear</u>	<u>2</u>	<u>5</u>	<u>10</u>	<u>8</u>	<u>25' minimum width</u> <u>30' maximum width</u> <u>A Six foot high fence,</u> <u>wall, or berm providing a</u> <u>minimum opacity of 95%</u>

7. Definition of Conservancy Lot:

The Planning Commission recommended that no changes be made to the TR-district clustering provisions or to uses permitted in the open space. Therefore, staff recommends that the proposed definition “conservancy lot” be deleted from the draft text, as this definition was added to allow for conservancy lots in TR district open space areas.

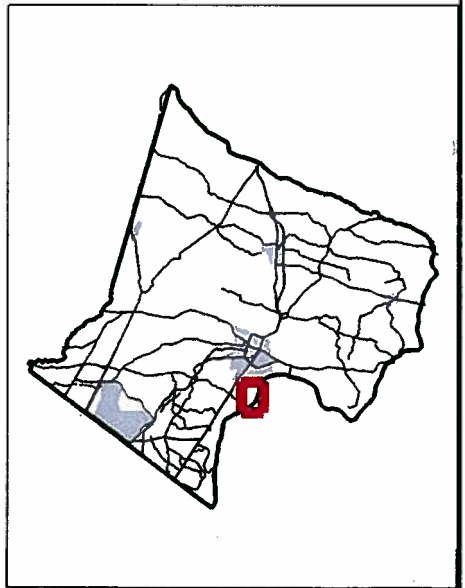
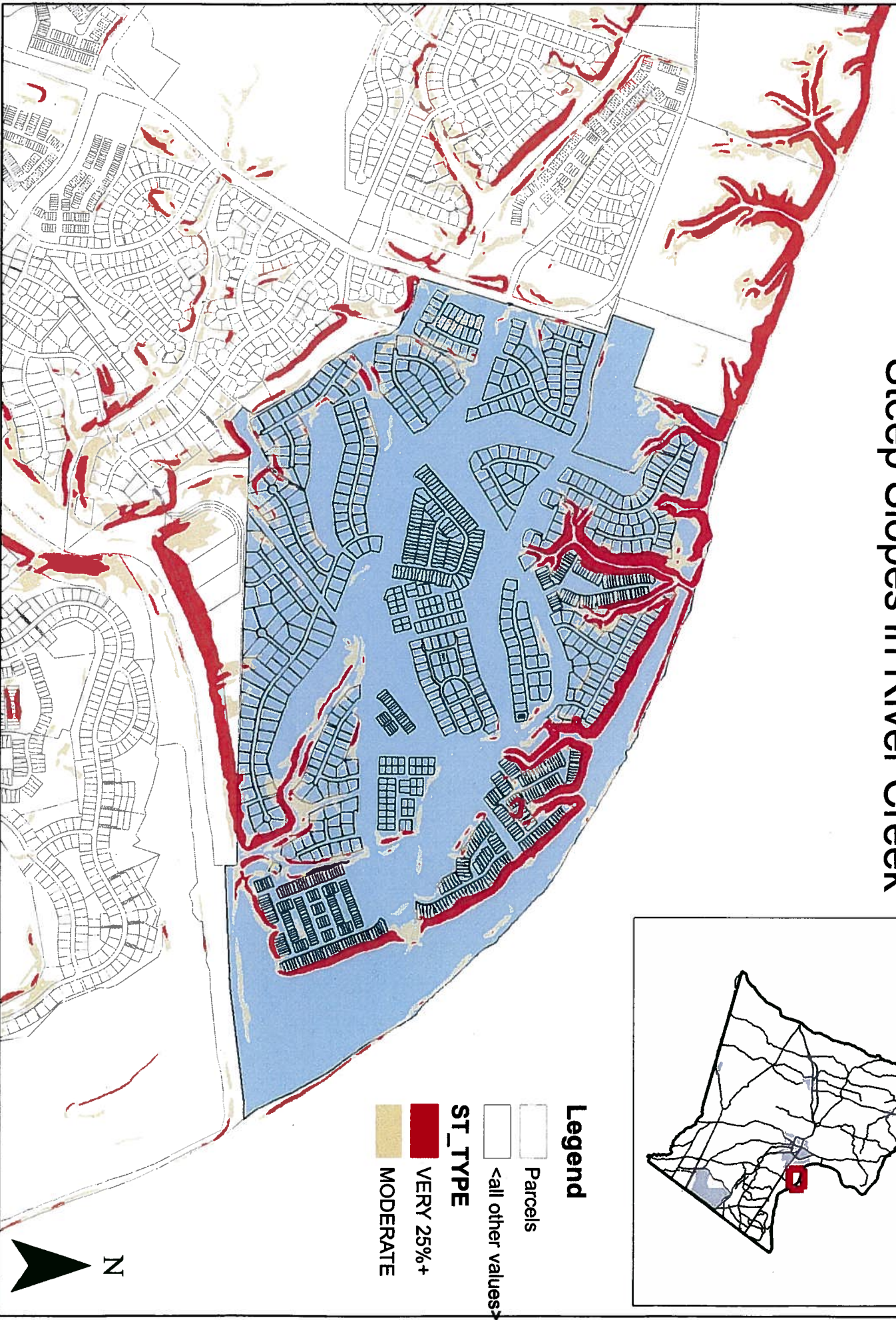
8. Technical Language Suggestions:

Staff recommends the following changes and/or clarifications, which are technical in nature:

All

- (a) Proposed Section 4-507(J) is a sentence fragment. Staff suggests this section read: "Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with a permitted use shall be permitted on site."
- (b) Proposed Section 4-607(D)(5) is a sentence fragment. Staff suggests this section read: "Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with a permitted use shall be permitted on site."
- (c) In the third line of Section 4-1503(F), insert the word "by" prior to "the Facilities Standards Manual."
- (d) Proposed Section 5-1504(C) is a sentence fragment. Staff suggests this section read: "Lighting that does not meet the standards of Section 5-1504(A) may be permitted by special exception, pursuant to Section 6-1300, upon a finding that the proposed alternative lighting is appropriate."
- (e) Revise Section 6-1612 to use the current format of upper case letters and Arabic numbers consistent with the rest of the Zoning Ordinance.
- (f) Revise Section 1-404(A) to reference the "Rural Hamlet Option as contained in Section 5-702" rather than "Hamlet District Regulations." There are no "Hamlet District Regulations."

Steep Slopes in River Creek



Farm Market Definition

Existing Text

Farm Market: A principal use which includes the sale of horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A minimum of twenty-five percent (25%) of the products sold must be agricultural products produced on-site.

Proposed Text as shown in the May 9, 2007 Addendum to the ZORC Draft

Farm Market: A principal use which includes the sale of horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A minimum of twenty-five percent (25%) of the products sold must be agricultural products produced on-site or other property owned by the operator within the County.

Proposed Text to incorporate leased property

Farm Market: A principal use which includes the sale of horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A minimum of twenty-five percent (25%) of the products sold must be agricultural products produced on-site or other property owned or leased by the operator within the County.

**ZOAM 2006-0003, Annual Review &
ZOAM 2007-0001, Water Lines in Very Steep Slopes**

**Issues to Revisit at Planning Commission's Request
June 11, 2007 Work Session**

1. Sections 4-503(G)/ 4-504(A), Office in PD-IP

Issue # 64 on Matrix 2 (p. A10) of the May 21, 2007 Planning Commission Public Hearing staff report.

At the Planning Commission work session on April 30, 2007, the Planning Commission recommended that office uses remain a special exception use in the Planned Development-Industrial Park (PD-IP) district and that the development criteria be deleted.

4/30/07 Planning Commission Recommendation

Special Exception Uses. The following uses may be approved by the Board of Supervisors pursuant to the provisions of Section 6-1300.

(A) Office, administrative, business and professional;
~~provided:~~

~~(1)The specific site and size of each building or part thereof
to be so used is identified as such on an approved
development plan, and~~

~~(2)The plan for development demonstrates a coordinated
relationship between planned industrial uses and the
offices under consideration.~~

Generally speaking, special exception conditions of approval provide for the following:

- Bond/construct road right-of-way
- Dedicate/reserve road right-of-way
- Traffic signals
- Fire/Rescue contributions
- Design guidelines and standards
- Transit contributions and amenities
- Civic spaces
- Lighting
- Landscaping and buffers
- Bond/construct sidewalks and pedestrian/bicycle trails
- Dedicate/reserve area for sidewalks and pedestrian/bicycle trails

- Screening of mechanical equipment

Staff has performed a limited and cursory review of pending special exception conditions associated with traffic signals based on the data in the County's Land Management Information System (LMIS). Please note that this review is not comprehensive, but rather is intended to provide examples of conditions that would no longer apply if office uses were by-right.

Signal improvements conditioned by special exception approvals:

- 50% of the cost of the traffic signal at the Gresham Court extension/Route 625/640 intersection (SPEX 1998-0017)
- Fund and install a traffic signal at the Hastings Drive/Smith Switch Road intersection (SPEX 1998-0017)
- Fund and install a traffic signal at the Loudoun County Parkway/Beaumeade Drive intersection (SPEX 1999-0027)
- Fair share contribution for a traffic signal at the Loudoun County Parkway/Russell Branch Parkway intersection (SPEX 2006-0003)
- Traffic signals at all site entrances of Commonwealth Center, as warranted by VDOT (SPEX 2006-0003)

2. *Section 4-206(C), Building Height*

Unnumbered Issue between #20 and #21 on Matrix 1 (p. A4) of the May 21, 2007 Planning Commission Public Hearing staff report.

At the March 12, 2007 work session, the Planning Commission recommended approval of the text proposed by ZORC. ZORC proposes an increase in maximum building height from 35 feet to 45 feet in the PD-CC districts. This section also amends the requirements for exceeding the height limit. The ZORC draft proposes a distance of not less than one foot for each one foot of height in addition to each of the required minimum yard dimensions. This section currently requires two feet for each one foot of height above the maximum. (Note: ZORC also proposes this change for the PD-OP, PD-RDP, PD-IP and PD-GI districts.)

Proposed ZORC Text

- (C) **Building Height.** No building in any commercial center shall exceed ~~forty five (45)~~ 35 feet; except that in small regional and regional centers a building may be erected to a maximum of (50 feet in a Small Regional Center and (100) feet in a Regional Center district if it is set back from public streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than one (1) foot ~~two (2) feet~~ for each one (1) foot of height that it exceeds the ~~thirty five (35)~~ forty five (45) foot limit.

3. *Section 5-701, TR Districts Lot Standards*

Issues #73 and #74 on Matrix 2 (p. A12) of the May 21, 2007 Planning Commission Public Hearing staff report.

At the Planning Commission work session on April 30, 2007, the Planning Commission recommended that a separate CPAM/ZOAM be initiated to amend the policies and Zoning Ordinance standards for development in the TR districts.

Included with this packet are:

- (a) June 6, 2007 Letter from Stephen P. Robin (p. A18)
- (b) ZORC Draft of Section 5-701 (pgs. A19 to A24)

4. *Farm Market Definition*

See page A14 of this packet.

June 6, 2007

To Members of the Planning Commission via e-mail

**In Re: Planning Commission Work Session June 11, 2007
Annual Zoning Ordinance Review with ZORC Recommendations**

Dear Commissioner:

On June 11, you take up the Zoning Ordinance Amendment recommendations in work session. This letter is to remind you of the issue that my client and I raised at the public hearing with regard to 10-acre zoning in the Transition Area.

Our position, endorsed by the ZORC, was to eliminate the language in the current Zoning Ordinance which requires clustering in the TR-10 Zone. We do not ask that the cluster option be removed from the Zoning Ordinance, only that it not be required.

The Zoning Ordinance now lumps the TR-10 District, a District whose density is comparable to that in the AR-1 Zone in the Rural Area, together with the TR-1, 2 and 3 Zoning Districts in requiring clustering. Clearly the considerations for the TR-10 District should be different from those of the more intense TR Districts. The TR-10 District is of such a low density that any ground developed at this density will have an amount of contiguous open space that is appropriate to a Transition Zone.

County staff has taken the position that the Comprehensive Plan language dealing with clustering should be changed before the Zoning Ordinance is changed. In fact, the Comp Plan is only a guide and the amendment we have suggested, which still leaves clustering as an option in the TR-10 Zone, would not seem to require such a significant procedural step to be taken before the Zoning Ordinance is, itself, amended. As a practical matter, the Zoning Ordinance is before you for amendment at this time. Following staff's recommendation would put off the Zoning amendment process for a considerable period of time, especially with an election coming up this fall.

Your consideration of our position is greatly appreciated.

Sincerely yours,
Stephen P. Robin

A18

Transition (TR) Districts Lot Standards.

- (A) **Purpose.** The purpose of the Transition (TR) Districts Lot Standards is to:
- (1) Provide for development in the Transition (TR) zoned areas of the County, in ways that encourage efficient development patterns ~~and protect primary conservation areas in ways that conform with conservation design standards.~~
 - (2) Facilitate a transition in the scale of development from the suburban area to the rural area of the County.
 - (3) Facilitate the protection of the 300-foot buffer proposed along the Bull Run, ~~consistent with the standards and requirements of RSCOD.~~
 - (4) Facilitate the protection of the 300-foot buffer along the Goose Creek and the Goose Creek Reservoir and the Beaverdam Reservoir, ~~consistent with the standards and requirements of RSCOD.~~
- (B) **Applicability.** The procedures and standards of this section shall apply to the subdivision of two or more lots on all lands located in the TR-10, TR-3 (TR-3UBF, TR-3LBR, TR-3LF), TR-2, and TR-1 (TR-1UBF, TR-1LF) districts.
- (C) **Standards.** The standards of this section shall apply to all development subject to the TR Districts Lot Standards.
- (1) **Base Density.** The maximum gross density allowed in the TR districts under these standards is:
 - (a) TR-10 district: 1 dwelling unit per 10 acres.
 - (b) TR-3 districts: 1 dwelling unit per 3 acres.
 - (c) TR-2 district: 1 dwelling unit per 20,000 sq. ft.
 - (d) TR-1 districts: 1 dwelling unit per 40,000 sq. ft.
 - (2) **Open Space.** A minimum percentage of the site shall consist of open space, as follows:
 - (a) In the TR-10 district, a minimum of 70 percent of the site shall be maintained as open space.
 - (b) In the TR-3 districts:

- (i) In the TR-3LBR sub-district, a minimum of 70 percent of the site shall be maintained as open space.
- (ii) In the TR-3UBF and TR-3LF sub-districts, a minimum of 50 percent of the site shall be maintained as open space.
- (c) In the TR-2 district, a minimum of 50 percent of the site shall be maintained as open space.
- (d) In the TR-1UBF and TR-1LF sub-districts, a minimum of 50 percent of the site shall be maintained as open space.
- (3) **Lot and Open Space Standards.** The two elements of the subdivision are (1) the lot area(s) and (2) the open space. The site layout of these elements shall occur during the review of a preliminary plat for subdivision, ~~simultaneously with the analysis and site planning required to comply with Section 6-2000 (Conservation Design)~~. Establishment of the lots and open space on the site shall comply with the following standards:

- (a) **Lot Standards.** Lots shall comply with the following standards (see Table 5-701(C)(3)(a)).

TABLE 5-701(C)(3)(a): LOT STANDARDS						
District	Lot Grouping	Min. Size Lot	Min. Front Yard	Min. Rear Yard	Min. Side Yard	Max. Building Height
TR-10	Minimum: 5 Maximum: No maximum No clustering required, but L lots of less than 5 acres must be grouped in accord with Section 5-701(C)(3)(a)(ii).	None	20 feet	25 feet	10 feet	35 40 feet
TR-3LBR	Minimum: 5; Maximum 25 Clustering required	None	12 feet 25 feet	25 feet	7 feet 10 feet	35 40 feet
TR-3LF, TR-3UBF	Minimum: 5; Maximum 25 Clustering required	None	12 feet 25 feet	25 feet	7 feet 10 feet	35 40 feet
TR-2	Minimum: 5; Maximum 25 Clustering required	None	10 feet 15 feet	25 feet	5 feet 8 feet	35 40 feet
TR-1LF, TR-1UBF	Minimum: 5; Maximum 25 Clustering required	None	10 feet 15 feet	25 feet	5 feet 8 feet	35 40 feet

- (i) **Lot Yield.** The total number of lots on a site shall not exceed the number permitted to accommodate

the base density established by Section 5-701(C)(1), regardless of whether the lot is used for a residential or nonresidential use. Open space parcels shall not be counted against lot density unless they are also serving as a conservancy, residential lot.

~~(ii)Number of Lots in a Group. Lots that are less than 5 acres in size shall be located in a contiguous group, with adjacent and fronting lots oriented toward each other, as on a street, green or paved square. The number of grouped lots shall consist of a minimum of 5 lots and a maximum of 25 lots with the exception of TR 10, except that a contiguous group may consist of fewer than 5 lots if:~~

~~a. There will be fewer than 5 lots on the entire site that are less than 5 acres in size; or~~

~~b. It is demonstrated that a grouping of fewer than 5 lots will result in greater amounts of contiguous open space or result in less denigration of primary conservation areas than residential grouping(s) of 5 lots or more.~~

~~(iii)Number of Groups. A single group shall contain all the lots on a site that are less than 5 acres, where the total number of such lots is 25 or fewer, except that multiple groups may be allowed where:~~

~~a. It is demonstrated that multiple groups will result in greater amounts of contiguous open space or result in less denigration of primary conservation areas; and~~

~~b. None of the groups contain fewer than 5 lots, unless allowed as provided in Section 5-701(C)(3)(a)(ii).~~

(iv)(ii) Dimensional Standards of Lots.

- a. In the TR districts there is no maximum or minimum lot size.
- b. The yard requirements for the lots in the TR districts shall comply with the standards established in Table 5-701(C)(3)(a).

- c. The maximum building height shall not exceed 35 feet.

(b) ~~Open Space.~~ The required percentage of open space on the site shall consist of, in order of priority, (1) primary conservation area lands, and (2) other lands (lands other than primary conservation areas), as follows: REMOVED

(i) ~~Primary Conservation Area Lands.~~ All primary conservation area lands shall be included in the open space and shall comply with the requirements of Section 6-2000 (Conservation Design), Section 4-1600 (MDOD), Section 4-1900 (LOD), Section 4-2000 (RSCOD), and Section 5-1508 (Steep Slope Standards), where applicable. One hundred percent (100%) of the primary conservation area lands protected shall be credited against the open space requirement for the subdivision. REMOVED

(ii) ~~Other Lands.~~ If all primary conservation area lands constitute less than the required percentage of open space, the balance of the open space shall consist of other lands (lands other than primary conservation areas) on the site, in accord with Section 6-2006(A). REMOVED

(iii) **Allowed Uses in Open Space.**

a. The uses allowed ~~on primary conservation area lands~~ are limited to those uses and activities for the respective protected area allowed in the environmental overlay districts or steep slope standards pursuant to Section 4-1600 (MDOD), ~~Section 4-1900 (LOD)~~, Section 4-1500 (FOD)2000 (~~RSCOD~~) and Section 5-1508 (Steep Slope Standards) ~~(also see Section 6-2005(A) (Conservation Design))~~; |

b. The uses allowed on the open space lands shall be limited to:

- i. Activities and uses allowed in open space, as defined in this Ordinance;
- ii. In the TR-10 district and TR-3 districts, uses permitted in the Agriculture, Horticulture and

AZZ

Animal Husbandry Use Categories;
and

- iii. Easements and improvements for drainage, passive open space, communal sewer systems and septic systems, communal water supply systems, wells and other water supply systems.

iv. [Conservancy lot with open space easement]

Such uses and activities shall be subject to applicable environmental overlay district regulations and steep slope standards.

(c) Siting of the Open Space and Building Lots.

- (i) The location of the open space on the site shall be identified consistent with the requirements of Sections 5-701(C)(3)(b) ~~and 6-2006(A)~~.

~~(ii) The building lots shall be located on that portion of the site that is outside the open space and within the DDA, and sited consistent with the requirements of Section 6-2006(A).~~

~~(iii) The lots and buildings within the subdivision shall be sited so as to reduce visibility of the lot groups from public rights-of-way and from other lot groups, by using existing topography, vegetation, distance and other factors to minimize impact. Options include siting lots and buildings sufficiently below ridgelines or treelines that the horizon will remain visually defined by the ridgeline or treeline rather than by the rooftops of the buildings, or placing lots and buildings at the far edge of a field as seen from a public right-of-way or other lot group.~~

~~(iv)~~ (ii) The residential lot group(s) shall be sited so as to relate to the open space and the other lot groups on the site and on adjacent lands, by maximizing the contiguity of other open space features such as vegetation, and natural features such as stream corridors, floodplains, wetlands, steep slopes, ridges, mountainsides, and wildlife habitat.

A23

(D) ~~**Ownership and Maintenance of Conservation Areas and Open Space.** The conservation areas in the open space shall be owned and maintained in accordance with the provisions of Section 6-2008.~~

(E) **Homeowners' Association and Responsibilities.**

- (1) If any of the following features are present, the development shall have an incorporated Homeowners' Association ("HOA"). If any of the following areas or improvements are present within the development, the HOA shall have the right and responsibility to maintain the areas or improvements:
 - (a) Common areas within the development, if any, that are not part of the required open space;
 - (b) The open space, if owned by the HOA;
 - (c) Any common recreational facilities;
 - (d) Private roads, if any, within or serving the development;
 - (e) Any storm water management ponds or areas;
 - (f) Fire protection pond(s), dry mains, or other improvements;
 - (g) Such other common facilities or improvements as may be designated in the bylaws of the HOA.
- (2) Prior to approval of a record plat for subdivision for the development:
 - (a) The landowner shall submit documents for the creation of the HOA to the County for review and approval, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common areas, including a legal description of such areas and a description of restrictions placed upon the use and enjoyment of the land.
 - (b) The landowner shall agree that the association shall be established by the landowner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before approval of the first record plat for the property; and
 - (c) Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title.